



East Sussex Children's Services Authority

Policy and procedures on
exclusion from school

September 2008



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Introduction

Exclusions guidance has received various updates on a regular basis since January 2003 when new exclusion guidelines were issued, replacing the relevant parts of the Social Inclusion Pupil Support documents. The latest statutory guidance came into force in September 2007 and updates and replaces parts of the September/October 2006 edition.

The document is entitled:

Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units, September 2007 and can be found at the following web address:

teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance2007/

This document summarizes key aspects of the statutory guidance and contains further guidelines relating to East Sussex CSA procedures for exclusion. It is essential that staff in all schools involved in exclusion have a thorough knowledge of the East Sussex procedures and statutory guidance.



1. Guidance when exclusion is being considered

When a pupil presents with behaviours that breach the school's published behaviour policy and if allowing the pupil to remain in school would seriously harm the education/welfare of the pupil or others in the school, a head teacher may wish to exclude the pupil for a fixed period or permanently.

Only a head teacher can exclude a pupil and when doing so s/he should judge each case on its own merits as well as bearing in mind continuity of sanction for similar incidents in the past. The CSA recommends that schools avoid listing situations that will lead to exclusion as there may be mitigating factors which mean that a less serious sanction is used.

There are only four circumstances in which a pupil may legally be required to leave the school site. These are:

- a. Where there is sufficient evidence that a pupil has committed a disciplinary offence and the pupil is excluded from school, either fixed term or permanently.
- b. Where a pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the head teacher may decide that it is in the best interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a fixed period, subject to review at regular intervals. This is not an exclusion. The school must ensure that the pupil's full-time education continues whilst off site. Head teachers are advised to discuss with the LEA before any such decision is made.
- c. Where the pupil's presence on the school site, due to medical reasons, represents an immediate and serious risk to the health or safety of the other pupils or school staff. This may only be done for medical reasons and after consultation with parents.
- d. The pupil is given permission by the head teacher, or person authorized by the head teacher, to leave the school premises briefly to remedy breaches of the school's rules on appearance, collect homework or dinner money etc. In all cases the parents should be notified and the absence should be recorded.

The removal of pupils under any other circumstances is considered informal or unofficial and is ILLEGAL regardless whether this is done with the agreement of parents/carers.

2. Fixed term exclusion

A decision to exclude a pupil for a fixed period should only be taken in response to breaches of the school's behaviour policy for behaviours which are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate. Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that Exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards.

Regulations allow head teachers to exclude a pupil for one or more fixed periods not exceeding 45 days in any one school year. **Where a pupil is given a fixed period exclusion of six days or over, the school has a duty to arrange suitable full-time, supervised, educational provision from and including the sixth school day of the exclusion.** During the initial period of up to five days, work should be set, sent home for the pupil to complete and marked. In this period the parents of the excluded pupil must ensure that he or she is not found in a public place during normal school hours without reasonable justification. Parents are subject to a fixed penalty notice fine if they fail to do this.

From the sixth day of fixed period exclusion, provision should normally be off site, but a school may make provision on-site where arrangements for shared on-site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools.

The school must ensure that the parent is fully informed of the days on which the pupil must attend alternative provision and the arrangements for a reintegration interview.

3. Lunchtime exclusion

A pupil may be excluded from school for the duration of the lunchtime period. A lunchtime exclusion is a fixed term exclusion (recorded as one-half day) – the appropriate exclusion letter should be sent out (according to the number of days a pupil has missed in the term) and parents have the same right to make representations to the governing body.

Lunchtime exclusions (like any other exclusions) cannot be indefinite.

Arrangements must be made for pupils who are entitled to free school meals (i.e. providing a packed lunch). A lunchtime exclusion should not be enforced if doing so will put the pupil at risk.

4. Permanent exclusion

A permanent exclusion is the ultimate sanction that a head teacher can use and, except in the most serious of cases, should only be used once all alternative sanctions and strategies, including the involvement of outside agencies, have been tried in order to maintain the pupil in the school. **It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.**

Before resorting to a permanent exclusion, the head teacher needs to be sure that a pupil is responsible for what they have been accused of doing and that there are no mitigating factors which would make a permanent exclusion inappropriate.

A decision to exclude a pupil permanently should only be taken:

- **in response to serious breaches of the school's discipline policy; and**
- **if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.**

Only the head teacher – or teacher in charge of a PRU – or in the head teacher's absence the most senior teacher who is acting in the role of head teacher, may exclude a pupil.

There will, however, be exceptional circumstances where it is appropriate to permanently exclude a pupil for a 'one off' offence. These might include:

- serious actual or threatened violence against a pupil or a member of staff
- sexual abuse or sexual assault
- supplying an illegal drug; or
- carrying an offensive weapon.

Where a head teacher has permanently excluded a pupil for one of the offences above or for persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on the school premises, the Secretary of State would not normally expect the Governors' Discipline Committee or an Independent Appeal Panel to reinstate the pupil.

NB. the statement above does NOT mean that a Discipline Committee or an Independent Appeal Panel cannot reinstate a pupil excluded for one of the described offences. Each case must be taken on its individual merits and it could be the case that a pupil is reinstated having committed a 'one off' or persistent misdemeanour (e.g. if the Discipline Committee or Independent Appeal Panel feels that there are mitigating factors surrounding the pupil that would make a permanent exclusion inappropriate).

5. Alternatives to exclusion

Guidance stipulates that exclusion should not be used if there are possible alternatives available. The four examples that are given are:

1. A restorative justice process.
2. Internal exclusion.
3. A managed move (to another school).
4. Mediation through a third party.

Parents should never be pressured into removing their child from the school under threat of permanent exclusion, nor should pupils' names be deleted from the school roll on disciplinary grounds unless the formal permanent exclusion procedures set out in statute have been adhered to or unless a managed move has been agreed by all relevant parties.

6. When exclusion is not appropriate

Guidance stipulates that exclusion should not be used for:

- minor incidents
- poor academic performance
- lateness or truancy
- pregnancy
- breaches on school uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules. (Pupils may be sent home, their parents having been contacted, on authorized absence to change clothes without being excluded; this should be for no longer than is necessary, otherwise it may amount to an unofficial exclusion.)
- punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting.

7. Unofficial exclusion

If a head teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal.

Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

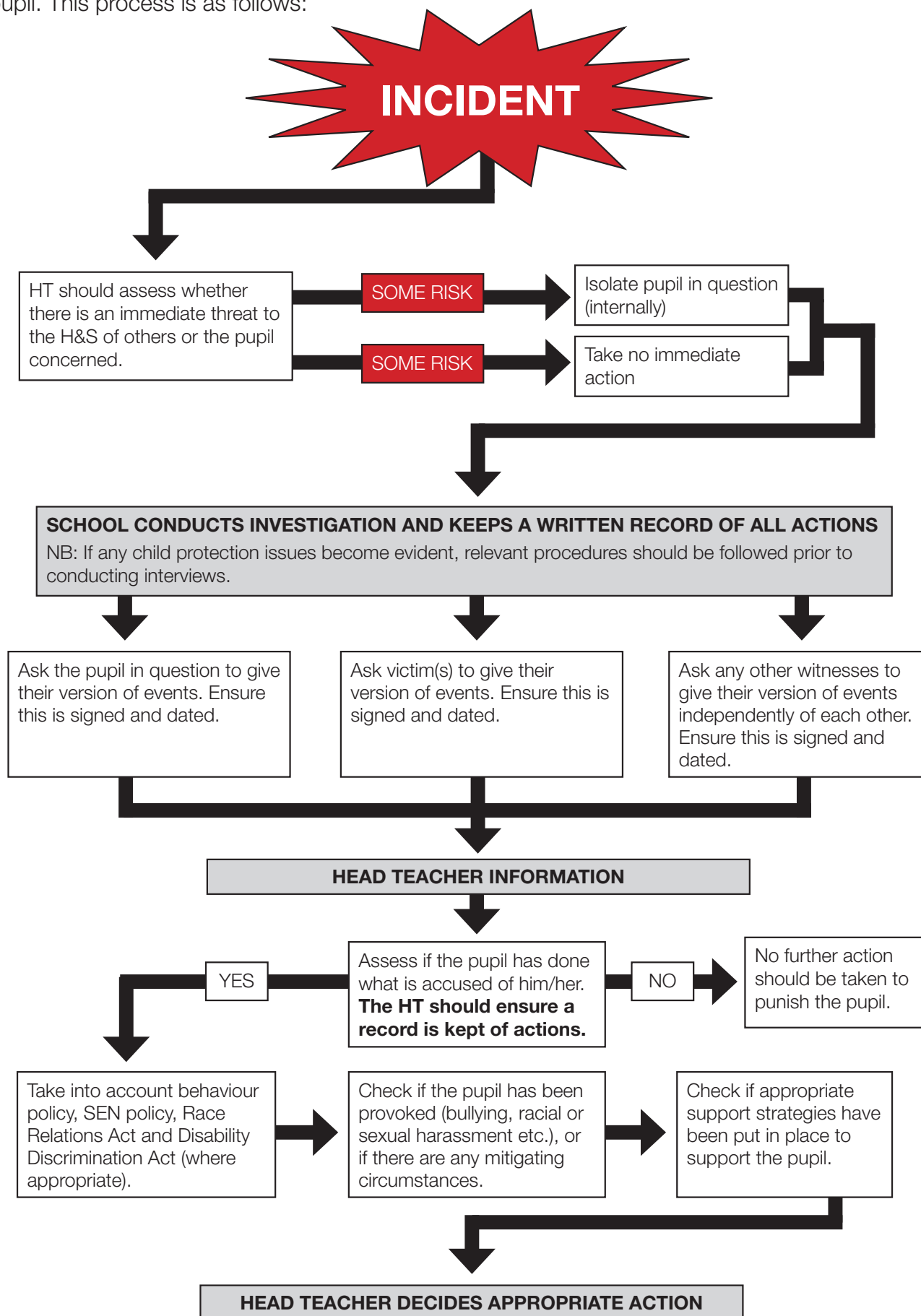
Where a pupil is sent home for disciplinary reasons for part of a school day, some head teachers have viewed this as a 'cooling off' period, and have not taken action to exclude the pupil formally. There is no basis in law for this. If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as an exclusion. In every instance where a pupil is sent home for disciplinary reasons, head teachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They should ensure that:

- they are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- that work is sent home or alternative provision is arranged.



8. Factors to consider before making a decision to exclude

The revised guidance outlines the process that a head teacher should follow, before excluding a pupil. This process is as follows:



9. Looked After Children

Children in care are no less able than other children but they often underachieve because they fall behind through missing school – in 2006 only 12% of children in care achieved 5 A*-C grades at GCSE (or equivalent) compared with 59% of all children.

Many children in care have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. Schools are expected to support proactively and co-operate with foster carers and the CSA as a corporate parent in doing everything possible to avoid excluding a looked after child.

Exclusion from school, and permanent exclusion in particular, can place great strain on care placements and lead to even more disruption in a child's life if the care placement breaks down as a result. Much more needs to be done to reduce the need for exclusion of children in care. Local authorities, schools, social workers and carers all share the responsibility for reducing exclusions of children in care.

Exclusion of children in care should be an absolute last resort. It is vital that schools and the Integrated Services work together in partnership with other professionals and try every practicable means to maintain them in school and to exclude them only in the most exceptional circumstances.

The role of designated teacher for children in care in a school is central to involving other Children's Services and, where appropriate, securing additional support. In cases where a child or young person in care is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Acts is broadly drawn and includes any person who has parental responsibility (which includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be a number of people who will have the right to make representations and appeal. At any exclusion hearings, especially where support for the child may not be consistent or robust, the school should ensure that children and young people have a voice and that they feel they are being listened to. The hearing should take place in an atmosphere where they feel comfortable and able to speak openly.

Even where the Local Authority does not have parental responsibility, (i.e. where the child is accommodated under Section 20 of the Children Act 1989 but is not the subject of a care order) the child's social worker should be involved at the earliest opportunity about the possibility of any exclusion. The designated teacher for children in care will be able to advise on the legal status of pupils in public care in the school.

10. Reintegration following fixed term exclusion

The head teacher must arrange a reintegration interview with parents at the school before or shortly after the excluded pupil is due to return to school. It is a statutory obligation for Primary Schools to arrange the interview in all cases of fixed term exclusions, regardless of length and for Secondary Schools in cases of exclusions for more than 5 days.

11. Pupils with Special Educational Needs

Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements. The statutory assessment and review processes provide other opportunities for reviewing the appropriateness of the provision being made to meet the pupils' needs and their placement.

They should make every effort to avoid permanently excluding pupils who are being supported at School Action or School Action Plus of the SEN Code of Practice (including those who are undergoing statutory assessment).

Where a pupil presents a school with particularly challenging behaviour, the school should:

- Hold an interim review of the pupil's statement. The school should discuss with the CSA the need for an officer to attend. If it is deemed absolutely necessary for the pupil to be excluded, the school should consider issuing an extended fixed-term exclusion, bearing in mind the requirement for full-time educational provision from day 6 of the exclusion. The review paperwork should be completed in full and sent to the SEN team at County Hall.

The possible outcomes could be:

- Existing support with modifications to provision;
- Additional support to be provided to maintain the current school placement;
- As above and referral to be made to an appropriate, alternative school, following discussion and agreement with parents/carers.

The school should be aware that the search for an alternative school, if considered appropriate, can be a lengthy process. In some cases, it is important to try and maintain the current school place, if possible, in the meantime. It remains the responsibility of the school named on the statement to ensure that provision continues for any statemented pupil.

12. Disabled pupils

Schools have a legal duty under the DDA 1995 not to discriminate against disabled pupils by excluding them (fixed term or permanently) from school because of their disability.

DISABILITY = PHYSICAL, SENSORY, INTELLECTUAL or MENTAL IMPAIRMENTS

DISCRIMINATION = 1) Treating a pupil less favourably than other pupils without justification.

2) Failing to take reasonable steps to ensure that a pupil is not placed at substantial disadvantage compared with non-disabled pupils.

Disability includes pupils with diagnosed conditions such as ADHD, ASD, Tourette's syndrome and dyspraxia.

Parents of pupils with a disability can appeal against ALL exclusions on the basis of discrimination. Appeals against permanent exclusions are heard by Independent Appeal Panels and appeals against fixed term exclusions are heard by the SEN and Disabilities Tribunal.

13. Police involvement and criminal proceedings

In some circumstances, a school incident may also be the subject of a police investigation, which may or may not result in criminal proceedings. The implication for this is that the evidence available to head teachers, governing bodies and Independent Appeal Panels is very limited (e.g. witness statements may not be available).

A head teacher need not postpone his/her decision to exclude in such circumstances. A judgement must be made on the basis of the evidence that is available. The school's governing body/discipline committee has no power to adjourn and consider beyond the statutory time limit. Therefore the DC must make a decision with the same constraints on the evidence available.

An Independent Appeal Panel may decide to adjourn if they feel that the progress of the appeal will benefit from doing so (e.g. if they feel that they need access to relevant witnesses/statements). An IAP can adjourn more than once if deemed necessary. In the mean time, the pupil will remain on the roll of the school and the LEA will make alternative provision available.

However, 2007 Guidance does allow a head teacher to authorize leave of absence for a fixed period, with parents' agreement, or, by exercising powers delegated by the governing body under section 29(3) of the Education Act 2002, can arrange for the pupil to be educated elsewhere (without parental approval, although the parents should be notified. An example is where a pupil is accused of committing a serious criminal offence which took place outside the head teacher's jurisdiction (perhaps during a weekend or school holiday and off site) and the head teacher considers it appropriate to remove the pupil from the site. There may be insufficient evidence to warrant exclusion, police may be involved and the head teacher may be constrained from gathering evidence.

Whether the pupil has been granted leave of absence or is being educated elsewhere, the school must ensure that the pupil's full-time education continues off site.

14. General procedures for exclusion

Head teachers should carefully read the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions. Following this guidance will also reduce the chance of any successful legal challenge to the exclusion at a later stage.

In all cases of exclusion:

- Work should be set and returned for marking;
- Parents have the right to make representations to the Disciplinary Committee.

Timescale and actions for exclusions totalling 5 days or less at any one time in a term:

Order	Action	Timescale	Notes
1	The HT should conduct a proper investigation and establish the facts surrounding an incident.	Immediately	A pupil should not be excluded/ sent home unless there is sufficient evidence to implicate their involvement in an incident.
2	The HT should telephone the parents of the pupil.	Same day as exclusion	
3	The HT should write to the parents outlining the reasons for exclusion (Model letter 1). This should be copied to the CSA (exclusions@eastsussex.gov.uk) along with a notification form (EXNO1). The date / time of the reintegration meeting should be specified.	Within one school day	The CSA strongly advises that schools should use the template letters contained in the new guidance as they cover all the legal requirements and could avoid legal challenge and email EXNOs and letters to exclusions@eastsussex.gov.uk rather than using the courier or postage service.
4	The school responds to parental request for a copy of pupil's school records.	As soon as possible, but within 15 days	A charge may be made for the cost of photocopying.

Parents do not have any right of appeal against the exclusion but may make representations to the Governing Body.



Timescale and actions for exclusions totalling 6 to 15 days at any one time in a term:

Order	Action	Timescale	Notes
1	The HT should conduct a proper investigation and establish the facts surrounding an incident.	Immediately	A pupil should not be excluded/sent home unless there is sufficient evidence to implicate their involvement in an incident.
2	The HT should telephone the parents of the pupil.	Same day as exclusion	
3	The HT should write to the parents outlining the reasons for exclusion (Model letter 2) This should be copied to the CSA (exclusions@eastsussex.gov.uk) along with a notification form (EXNO1) Arrangements for full-time educational provision must be explained and date / time of the reintegration meeting.	Within one school day	The CSA strongly advises that schools should use the template letters contained in the new guidance as they cover all the legal requirements and could avoid legal challenge and email EXNOs and letters to exclusions@eastsussex.gov.uk rather than using the courier or postage service. The school is responsible for making full time provision from day 6.
4	The school responds to parental request for a copy of pupil's school records.	As soon as possible, but within 15 days	A charge may be made for the cost of photocopying.
5	The parent(s) request a meeting of the Discipline Committee.	ASAP after notification of exclusion	A DC does not need to be convened unless a parent requests it.
6	The Clerk to the DC convenes a meeting to consider the exclusion and notifies the parent and CSA (exclusions@eastsussex.gov.uk) of the date.	Not before the 6 th day after the exclusion and not after the 50 th day	The DC must evaluate the decision to exclude and make a finding on whether they uphold the exclusion or reinstate the pupil.
7	The DC's decision is sent by the clerk to the parent, the CSA and the HT.	Within one school day	The letter must be as detailed as possible giving reasons for the decision and making findings on each disputed point.

There is no further appeal against the exclusion (unless appealing to SENDIST on grounds of discrimination).

Timescale and actions for exclusions totalling more than 15 days in a term.

As above but model letter 3 should be used to inform parents. There is no further appeal against the exclusion (unless appealing to SENDIST on grounds of discrimination).

Timescale and actions for permanent exclusions:

Order	Action	Timescale	Notes
1	The HT should conduct a proper investigation and establish the facts surrounding an incident	Immediately	A pupil should not be excluded/sent home unless there is sufficient evidence to implicate their involvement in an incident.
2	The HT should telephone the parents of the pupil	Same day as exclusion	
3	The HT should notify the CSA by telephone and write to the parents outlining the reasons for exclusion (Model letter 4). This should be copied to the CSA (exclusions@eastsussex.gov.uk) along with a notification form (EXNO1)	Immediately	The CSA is responsible for making full time provision for the pupil by Day 6 and so it is important that these pupils are highlighted promptly and that the letter and EXNO1 is sent immediately to the CSA.
4	The EXNO2 and relevant attachments is sent to the Reintegration Support Manager	Within 3 days	Information detailed in the EXNO2 is used in pre-admission meetings at PRUs and new schools to formulate reintegration plans.
5	The school responds to parental request for a copy of pupil's school records	As soon as possible, but within 15 days	A charge may be made for the cost of photocopying.
6	The Clerk to the DC convenes a meeting with the Committee, CSA (Reintegration Support Manager), parents and child to consider the exclusion.	Not before the 6th day after the exclusion and not after the 15th day	The DC must meet irrespective of whether a parent requests it.
7	The DC's decision is sent by the clerk to the parent, the CSA and the HT (Model letter 5)	Within one school day	The letter must be as detailed as possible giving reasons for the decision and making findings on each disputed point.
9	Parent(s) lodge notice of an Independent Appeal with the CSA	Within 15 days of the notification of the DC upholding the exclusion	The CSA will notify the school of the parents' decision.
10	Independent Appeal meets to consider the appeal	Within 15 days of the receipt of notice of appeal	The appeal is co-ordinated through ESCC Chief Executive's Dept. and is independent of all parties.
11	Clerk of the IAP writes to all parties to notify them of the decision	Within 2 working days	The decision is binding on all parties.

Further appeals against maladministration can be made to the Local Government Ombudsman and appeals against the legitimacy of the decision can be taken to Judicial Review.

Pupils remain on the roll of the excluding school until the ‘effective date’ of the exclusion (i.e. the 16th day after the DC’s decision or when the parent(s)/carer(s) notify the CSA of their decision not to pursue an Independent Appeal. It is the CSA’s obligation to provide full time education from the 6th. day, following the notice of permanent exclusion. This will be before the DC meeting and is likely to be PRU provision.

The head teacher must, immediately, inform the governing body of all permanent exclusions, exclusions which result in the pupil being excluded for more than 5 school days or 10 lunchtimes in any one term and exclusions which result in the pupil missing a public examination

All other exclusions must be reported to the Discipline Committee termly.

ESCC requests that all exclusions are notified to the CSA (exclusions@eastsussex.gov.uk) immediately.

15. The role of the Governing Body

The Governing body must review certain exclusions and consider representations made by parents. The governing body can delegate this responsibility to a committee of at least three members and such a committee may be called a Discipline Committee (DC). If schools have not established DCs, the term ‘Discipline Committee’ in this guidance should be substituted for that of ‘governing body’ The quorum for a Discipline Committee is three governors (not including the head teacher) and a clerk.

The following people should NOT sit on a Discipline Committee:

- **Governors who know the pupil in question (or any victims).**
- **Governors who have been involved in the incident for which the pupil was excluded.**
- **Any governor who has taken a part in the decision to exclude the pupil (e.g. the chair of governors if consulted with by the head teacher prior to exclusion).**

Teaching governors should only sit on a Discipline Committee in exceptional circumstances where there is no other alternative and parents are in full agreement. Again, this should only happen where the teacher has not had any involvement in the incident for which the pupil has been excluded.

If the exclusion would result in the pupil missing a public examination the DC must try and meet before the examination. If this is not possible, in exceptional circumstances, the Chair of the Committee may consider whether the pupil should be reinstated or not. These are the ONLY circumstances in which the Chair can make the decision and if possible, s/he should have the advice of the clerk and the CSA Representative.

Timescale and Powers of the Discipline Committee

Length of exclusion (in aggregate in a term)	1 to 5 days	6 to 15 days	16 to 45 days	Permanent
When the DC should meet	Not statutory	Between 6 th and 50 th school day after exclusion	Between 6 th and 15 th school day after exclusion	Between 6 th and 15 th school day after exclusion
Additional Information	Doesn't have to meet but has to consider any parental representations	Doesn't have to meet unless parents request it	Must meet irrespective of whether parents request it	Must meet irrespective of whether parents request it
Powers of the DC	No powers	Can reinstate or uphold decision	Can reinstate or uphold decision	Can reinstate or uphold decision
Further appeal arrangements	None ¹	None ¹	None ¹	Parents can request an Independent Appeal

The Committee should abide by the statutory time limits. The DC should only meet out of time in exceptional circumstances and, if it does, it should be in full agreement with the parents. If for any reason the DC cannot meet within the timeframe outlined above, CSA advice should be sought before a date is set.

It may also be the case that the timescale of meeting means that a DC hasn't met to review an exclusion of a pupil who has left the school (i.e. an exclusion in the summer term of a pupil's last year at primary school). The pupil leaving the school does not relieve the DC of its duty to meet and therefore the exclusion should still be reviewed.

If an exclusion would result in a pupil missing a public exam, the DC should try to meet before the date of the examination. If this is not possible, the chair of governors may consider the exclusion, but should have advice from the CSA and a Clerk. In some cases, the DC may exercise its discretion to allow an excluded pupil onto the school premises for the sole purpose of taking a public examination.

¹ Unless the pupil has a disability and the parent feels that their child has been discriminated upon on the grounds of their disability. In which case the parent can appeal via the SEN and Disabilities Tribunal.

16. The School's Case to the Discipline Committee

The head teacher will need to provide the Discipline Committee with relevant paperwork to support his/her case for exclusion. It is often tempting to provide as much information as possible, however, the head teacher should ensure that all the information that is provided is relevant. The Discipline Committee should not be provided with information that is not pertinent to the exclusion. In order to help with this decision, the following checklist should be used.

Type of evidence	Exclusions for a 'one-off' serious incident	Exclusions for cumulative reasons
Details of the incident in question	Must be provided	Must be provided
Statement from the pupil in question	Should be provided	Must be provided
Witness statements	Must be provided	Must be provided
Behaviour log and details of previous incidents	No, unless there is specific reason to do so	Must be provided
Attendance log	No, unless there is specific reason to do so	Only if relevant
Details of support provided to pupil	Only if relevant	Must be provided
Reports from any professionals involved with the pupil	Only if relevant	Must be provided
Details of any SEN the pupil may have	Must be provided	Must be provided
Academic reports	No, unless there is specific reason to do so	Only if relevant
Other information	Only if relevant	Only if relevant

If a pupil has a history of challenging behaviour and is then permanently excluded for a one-off incident (which does not follow the pattern of behaviour which the pupil usually presents with) then the head teacher needs to exercise care about what information is provided. If details of prior misconduct are provided in the paperwork, the parent(s) could argue that the Committee have been biased by this information. The pupil's conduct log, in the example here, is irrelevant to the decision to exclude permanently but the committee could build up a negative perception of the pupil that influences their final decision.

All those making representations at the Disciplinary Committee Meeting should be sent a copy of the school's paperwork, identical to that presented to governors, in advance of the DC so as to give them enough time to read it, consult with others and take legal advice if so desired.

17. Procedure at the Discipline Committee meeting

- The Discipline Committee should conduct the meeting along the same lines as an Independent Appeal. The parent is entitled to bring a friend or legal representative with them and the pupil in question (if the parent so desires). If the pupil attends, they should be allowed to speak, if this is requested. The pupil does not have to attend for the whole meeting if parents feel it would be inappropriate or counter-productive.
- The Chair of the Committee should open the meeting by outlining the procedure and what the DC's powers are. The Chair should then lead the introductions.
- The Clerk should outline the order in which the parties will be able to state their case and ask questions (in the order outlined below).
- The Chair should invite the head teacher to make their case.
- The parent(s) should be given the opportunity to ask the school any questions.
- The CSA Representative (Reintegration Support Manager) should be given the opportunity to ask the school any questions.
- The panel may question the school.
- The Chair should invite the parent(s) to make their case.
- The head teacher should be given the opportunity to ask the parent(s) any questions.
- The CSA Representative should be given the opportunity to ask the parent(s) any questions.
- The panel may question the parent(s).
- The Chair should invite the CSA to make representations.
- The parent(s) should be given the opportunity to ask the CSA any questions.
- The head teacher should be given the opportunity to ask the CSA any questions.
- The panel may question the CSA.
- The Chair should invite the head teacher to sum up his/her case.
- The Chair should invite the parent(s) to sum up their case.
- The head teacher, parent(s) and the CSA should be asked to leave the room whilst the DC make their decision and be informed that the decision will be sent to all parties within one school day.
- The DC should make their decision in private. The Clerk should be able to advise on procedural issues or draw from his/her notes if needed, but should take no part in the decision.

The Role of the Clerk

- To set up the Discipline Committee and invite all relevant parties.
- Ask for any written representations.
- Circulate any representations in advance of the meeting.
- Take detailed minutes of the meeting.
- Provide advice to the DC once the other parties have left the room.
- Write to all parties after the meeting with the DC's findings.

Role of the CSA Representative

The role of the CSA is purely advisory and the representative does not take a part in the decision of the DC. This role is delegated to the Reintegration Support Manager. At the meeting he is able to:

- Make a statement about how other schools have responded to similar situations.
- Advise on alternative arrangements for the pupil if the exclusion is upheld.

Draw the attention of governors to issues where:

- there is a lack of clarity
- more information may be needed, and
- guidance appears to have been ignored.

Any statement must be taken into account when the DC reaches their decision and this should be noted by the clerk.

The Discipline Committee's Decision

In considering the exclusion, the Discipline Committee should answer the following questions:

- Did the pupil do what he / she has been accused of (in the balance of probabilities – i.e. to a high degree of probability)?
- Did the head teacher follow the correct procedure?
- Is that particular exclusion (in the circumstances outlined) an appropriate response?

In order to uphold a head teachers decision, the DC must be able to answer 'yes' to ALL of the above questions. If the answer for any of them is 'no', the committee should consider overturning the exclusion.

There are only **two** possible outcomes from a DCM:

1. Uphold the head teacher's decision.
2. Reinstate the pupil (i.e. overturn the exclusion) either immediately or by a particular date.

The DC CANNOT:

- **Increase or decrease the length of a fixed term exclusion.**
- **Convert a permanent exclusion to a fixed term exclusion (or vice versa).**
- **Attach conditions to a reinstatement.**

The Discipline Committee should write to the parent(s)/carer(s) of the pupil within one day of the hearing stating the reasons for the decision (including findings on all the disputed factors – see *opposite*).

Natural Justice and Points of Law

Advice from legal professionals regarding the exclusion process suggests that the laws of natural justice should be followed at all times. In summary, these are:

- A pupil must know what they're accused of.
- A pupil must be given the chance to give their own version of events (i.e. they must be given the chance to make a statement in their own words and this must be done prior to exclusion).
- No one involved in the incident may be involved in the decision-making process (if the head teacher wishes to speak to a member of the governing body prior to exclusion, that person cannot sit on the Discipline Committee reviewing that exclusion).

In addition, when considering an exclusion, the DC must:

- Demonstrate the statutory guidance has been taken into account.
- Make findings on all the significant disputed facts.
- Make sure everyone at the meeting is clear about what misconduct is being relied upon in order to justify the exclusion.
- Not be in possession of any material that the parent(s), or any other party, does not have.
- Apply the standard of proof required (the balance of probability).

Governor's Training

It is very important that governors who are called upon to review exclusions receive training. The DfES expects the CSA to organise training sessions for governors on exclusion-related issues, which governors should make every effort to attend.

Training for governors on their role in reviewing exclusions is provided by the CSA. Details of these courses can be obtained from the School Improvement Service/Governors Services on 01323 432220.

Contacts

Reintegration and Behaviour Support Services

Sackville House
Brooks Close
Lewes BN7 2FZ

3rd Floor
Ocean House, 87-89 London Road
St Leonards on Sea TN37 6DH

Rosalind Collins Access to Education Co-ordinator
 exclusions@eastsussex.gov.uk 01273 482706

John Mockler Reintegration Support Manager/West 01273 482364

Neil Hosie Reintegration Support Manager/East 01424 724143

Nathan Caine Reintegration and Behaviour Support Operations Manager (West) 01273 481967

Jacqueline Higgs Reintegration and Behaviour Support Operations Manager (East) 01424 724155

EXNO1: NOTIFICATION OF EXCLUSION FROM SCHOOLTo be completed for all exclusions, on the first day of exclusion

School	
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Section 1: Pupil Details

Name											DOB		
											NC Year		
Unique Pupil Number													
Name of Parent(s) or Carer(s)													
Address											Post Code		
											Ethnicity Code		
Telephone	Home: Work: Mobile:										Ethnicity Code		

Looked After Children**Special Educational Needs**

Is the pupil in care?		Code of practice stage	
Which Authority		Is the pupil undergoing statutory assessment?	
Have you contacted TEST?		Does the pupil have a statement?	
Have you arranged a case conference to review provision?		Category of need	

Section 2: Exclusion Details

Type of Exclusion <i>Delete as appropriate</i>	Fixed Term / Permanent / Lunchtime			
Date of Exclusion		Date of Re-admission		
Length of Exclusion		Total Days This Term		Total Days This Year
Please outline the reasons for exclusion below. If there is more than one reason for the exclusion, please give details. Please do NOT use exclusion codes.				
Is the exclusion for a 'one-off' or cumulative reasons? <i>Delete as appropriate</i>				One off / Cumulative

Section 3: Support Details

Does the pupil have a PSP?	Is a CAF in Place?
Yes / No	Yes / No

Outside Agency Support			
	✓		✓
Reintegration Services		Educational Welfare Officer	
Behaviour Support Services		Youth Offending Team	
Educational Psychologist		CAMHS	
Other (please specify)			

Section 4: Communication and Review

Actions to be taken by the school upon issuing an exclusion

FIXED TERM EXCLUSIONS		PERMANENT EXCLUSIONS	
Action	✓	Action	✓
Telephone parent(s)/carer(s) to inform them of exclusion		Telephone parent(s)/carer(s) to inform them of exclusion	
Send exclusion letter to parent(s)/carer(s)		Send exclusion letter to parent(s)/carer(s)	
Make arrangements for work to be provided and marked		Make arrangements for work to be provided and marked	
Full time provision is in place for exclusions of over 5 consecutive days.		Inform the RSM of the exclusion by telephone	
For exclusions totalling over 15 days in a term			
Deadline for the governing body Discipline Committee to meet (date)		Deadline for the governing body Discipline Committee to meet (date)	

Section 5:

<p>Please complete this form and return it, along with a copy of the exclusion letter, to: Access to Education Co-ordinator, Sackville House, Brooks Close, Lewes. BN7 2FZ or email to: exclusions@eastsussex.gov.uk</p> <p>Notifications of <u>ALL</u> exclusions should be sent to the CSA <u>within 24 hours</u> of the exclusion.</p>			
Signed ¹ (Head Teacher)		Date	

¹ The notification and exclusion letter must be signed by the Head Teacher. The Deputy Head Teacher may issue an exclusion only if the Head Teacher is away from school.

EXNO2 : PERMANENT EXCLUSION – PUPIL PROFILE

To be completed within 3 days of permanent exclusion

(This form can also be used as a KS3 PRU Assessment or for a managed transfer)



School	
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Name of Pupil		DOB	
		NC Year	
Date on Roll		Contact Staff	
Date and time of GDC meeting			

Copies of this completed form and accompanying documentation should be available at the Governors’ Discipline Committee meeting. The information will also be used to inform recommendations for future provision for the pupil. **Please complete all sections in as much detail as possible.**

1. National Curriculum Levels

Please indicate if teacher assessment (TA) or SAT Scores (SAT)

	Key Stage 1	Key Stage 2	Key Stage 3
English			
Mathematics			
Science			

2. KS4 Curriculum Options

Please detail which GCSE/NVQ options the pupil is taking

Subject	GCSE/NVQ?	Subject	GCSE/NVQ?

Please give details of any college course or work experience placement the pupil is attending (including contact names)

3. Special Educational Needs and Health

SEN Code of Practice level			
Date of entry to level		Date of last review	

Are you aware of additional needs in any of these areas?	Please tick and comment ✓	
Hearing	<input type="checkbox"/>	
Vision	<input type="checkbox"/>	
Speech and Language	<input type="checkbox"/>	
Specific Learning Difficulties	<input type="checkbox"/>	
Autistic Spectrum Disorder	<input type="checkbox"/>	
Attention Deficit Hyperactivity Disorder	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

4. Support Services Involvement

Agency	Please tick and give contact name ✓	
Education Welfare Service	<input type="checkbox"/>	
Social Services	<input type="checkbox"/>	
Child and Adolescent Mental Health Services	<input type="checkbox"/>	
Learning Support Service	<input type="checkbox"/>	
County Psychological Service	<input type="checkbox"/>	
LEA behaviour support services	<input type="checkbox"/>	
TERTEX/Work link	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	

5. Additional Information**Attributes:****Skills:****Aptitudes:****Relationships with peers, adults, family:**

6. Learning Profile

Predominant Learning Style (Kinesthetic, Visual, Auditory)	
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Reading	Test used		Spelling	Test used	
	Test score			Test score	
	Date of test			Date of test	

Comprehension	Test used	
	Test score	
	Date of test	

	Verbal	Non-verbal	Quantitative
Test Score			
Date Taken			

Implications for Learning:

7. Behaviour Profile

Triggers for inappropriate behaviour:

How inappropriate behaviour is displayed:

Suggested short term strategies (immediate response to inappropriate behaviours):

Suggested longer term strategies (focused intervention to address behaviour difficulties):

8. Emotional / Social Profile:**Self-esteem:****Ability to reflect on own behaviour:****Communication / cooperation skills****Suggested strategies:****9. Enclosures**

This form should be accompanied by:	Please tick or indicate N/A ✓	
Complete behaviour log (since joining school)	<input type="checkbox"/>	
Current and previous IEPs	<input type="checkbox"/>	
Pastoral Support Plan (and reviews)	<input type="checkbox"/>	
SIMS attendance printout	<input type="checkbox"/>	
Record of previous exclusions	<input type="checkbox"/>	
Copy of latest academic report	<input type="checkbox"/>	
CAF	<input type="checkbox"/>	

Signed		Date	
Designation			
Name of member of staff able to attend admission meeting at new school / PRU			

Please ensure that this completed form, along with the enclosures outlined in Section 10, are sent to the relevant Reintegration Support Manager within 3 school days of issuing the permanent exclusion.

